REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-12, 14-19, 21-28, 30, and 32-35 are currently pending. No claims have been amended herewith.

In the outstanding Office Action, Claims 1-12, 14-19, 21-28, 30, and 32-35 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,108,782 to Fletcher et al. (hereinafter "the '782 patent").

Claim 1 is directed to a computer implemented remote device monitoring system, comprising: (1) a local monitoring computer configured to collect information from a device connected to a first network using an SNMP protocol, and to send the information to a remote monitoring computer connected to a second network via a wide area network using a protocol; and (2) the remote monitoring computer configured to receive the information using the protocol and to store the information in association with an IP address of the device in a digital repository connected to the second network. Further, Claim 1 clarifies that the local monitoring computer is configured to automatically request the information from the device over the first network, without receiving any instructions from the remote monitoring computer requesting that the information be collected from the device. Further, Claim 1 clarifies that, after initialization of the local monitoring computer, the local monitoring computer is configured to automatically send the information to the remote monitoring computer, without receiving any instructions from the remote monitoring computer requesting that the collected information be sent.

Regarding the rejection of Claim 1, the '782 patent is directed to a method for the distributed collection of network statistics, including the steps of gathering network statistics at a plurality of nodes distributed in a network; transmitting data containing the statistics to a

collector; combining the statistics from the plurality of nodes into group network statistics; and reporting the network performance data based on the compiled statistics from the collector to a network manager, wherein the multiple nodes respond to a multicast poll from the collector, but that flooding of the collector is prevented by having each node delay its response by a random value. As shown in Figure 1, the '782 patent discloses a plurality of distributed remote network monitor (dRMON) agents that are software or software plus hardware components placed within a corresponding plurality of end stations (ESs). Further, the '782 patent discloses that, based on a polling packet from the collector (see elements 60, 61a, 61b, and 62 in Figure 1), the dRMON agents forward their statistics and/or capture packets to the dRMON collector, which exists somewhere in the network. Further, the '782 patent discloses that the dRMON agents are implemented in the C programming language and consist of executable code that is launched each time an end station is started or rebooted, and that the end station user is unaware of the agent's presence and can do nothing with regard to reconfiguring the end station.[1] Further, regarding the capturing of packets from the end station, the '782 patent discloses that "an NDIS Desktop Agent type module (DTA) is used to bind to the network adapter driver, thus establishing a source of directed packets to analyze as well as a means to communication with the dRMON collector via the network. Multiple NIC binding may be supported by the agent and may allow the agent to monitor traffic on different segments having different layer 1 protocols."[2]

However, Applicants respectfully submit that the '782 patent fails to disclose a local monitoring computer configured to collector information from a device connected to a first network using an SNMP protocol, wherein the local monitoring computer is configured to automatically request the information from the device over the first network, as recited in Claim 1. Applicants respectfully submit that the dRMON agents disclosed by the '782 patent

[1] See '782 patent, column 8, lines 29-36.
[2] '782 patent, column 8, lines 37-45.

do not collect information from the '782 end stations over a network using the SNMP protocol. Rather, the '782 patent discloses that the dRMON agents are software applications or software/hardware devices residing on the end stations. Further, the '782 patent does not disclose that SNMP is used by the agents to collect information from the devices. The section in the '782 patent cited by the outstanding Office Action regarding SNMP (column 9, lines 39 and 40) states only that the collector can make information available to management applications using either SNMP or a web browser. However, this section says nothing about how the agents collect information from the end stations. Moreover, as discussed above, the '782 patent discloses that the agents "monitor" the network adapter driver to capture packets. Thus, Applicants respectfully submit that the dRMON agents disclosed by the '782 patent do not collect information from a device connected to a first network using an SNMP protocol over the first network, as required by Claim 1. To the contrary, the '782 agents are software applications (and/or hardware included on the end station) that are used to directly monitor and capture packets from the end station.

Further, Applicants respectfully submit that the '782 patent fails to disclose that the local monitoring computer is configured to automatically send the information to the remote monitoring computer, without receiving any instructions from the remote monitoring computer requesting that the collected information be sent. Regarding communication between the dRMON agents and the dRMON collector, the '782 patent discloses that "agents generate a statistics response packet only in response to a request by a collector. In general, there is no other traffic generated by agents unless specifically requested by the collector in a multicast packet."[3] Accordingly, Applicants respectfully submit that the '782 patent clearly does not disclose that the dRMON agents are configured to automatically send the collected

[3] '782 patent, column 13, lines 27-31. Emphasis added.

information to the collector without receiving instructions from the remote monitoring computer, as would be required by Claim 1.

For the reasons stated above, Applicants respectfully traverse the rejection of Claim 1 (and all associated dependent claims) as anticipated by the '782 patent.

Independent Claims 16, 25, and 34 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicants respectfully traverse the rejections of Claims 16, 25, and 34 (and all associated dependent claims) as anticipated by the '782 patent.

Thus, it is respectfully submitted that independent Claims 1, 16, 25, and 34 (and all associated dependent claims) patentably define over the '782 patent.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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